

## REMARKS

### I. Introduction

In the Office Action of August 25, 2005, Claims 15-35 were allowed, and Claims 2-6 and 8-14 were indicated to be allowable. Applicant greatly appreciates the Examiner's favorable disposition of those claims. Independent Claim 1 and dependent Claim 7 were rejected under 35 U.S.C. §103(a) as being obvious over the proposed combination of U.S. Patent No. 5,447,148 to Oneda et al. and U.S. Patent No. 5,249,569 to Wohler. Applicant respectfully requests reconsideration and withdrawal of the rejections because (1) the proposed combination does not teach each and every claim element and (2) there is no motivation to combine Oneda et al. and Wohler.

### II. The Proposed Combination Does Not Teach Each and Every Claim Element

In the Office Action, it was asserted that Oneda et al. teaches every element of independent Claim 1 except for a strap secured to the housing and a mounting buckle movable along the strap. Applicant respectfully disagrees.

Independent Claim 1 (and, by virtue of its dependence, dependent Claim 7) recites a valve comprising a manually-controlled actuator movable between a first position, in which the valve blocks flow between the inlet port and the outlet port, and a second position, in which the valve allows flow between the inlet port and the outlet port. In the Office Action, it was asserted that the fluid control unit 30 corresponds to the recited valve. Applicant respectfully disagrees. The recited valve specifically requires a *manually-controlled* actuator that is movable between two positions to block and allow flow. In contrast, the fluid control unit 30 in Oneda et al. uses an *electrically-controlled* — not manually-controlled — pneumatic valve. The switch buttons 20, 22 in Oneda et al. are electrically connected to the fluid control unit 30. Activating one of the

switches results in an electrical signal being sent to the fluid control unit 30, which, in response to the electrical signal, supplies pressurized water or air. This is quite different from the recited valve, where a manually-controlled actuator moves between a blocking position and an open position.

Independent Claim 1 also recites that the valve is carried by the housing. This arrangement is not shown in Oneda et al. In the Office Action, it was asserted that the handle 18 in Oneda et al. corresponds to the recited housing and that the fluid control unit 30 corresponds to the recited valve. However, as is clearly shown in Figure 1 of Oneda et al., the fluid control unit 30 is external to and not carried by the handle 18.

Because Oneda et al. is missing several elements of the claims and these missing elements are not shown Wohler, the proposed combination does not teach each and every claim element. Accordingly, Applicant respectfully requests that the 35 U.S.C. §103(a) rejections of Claims 1 and 7 be removed.

### **III. There Is No Motivation to Combine Oneda et al. and Wohler**

In the Office Action, it was asserted that it would have been obvious for one of ordinary skill in the art to apply the strap and buckle disclosed in Wohler to attach the cartridge 48 to the handle 18 in Oneda et al. Applicant respectfully disagrees.

Oneda et al. teaches that the handle contains projecting snaps 90 that mate with correspondingly-positioned recesses on the inner surface of the cartridge 48, which is form-fitted to the handle 18. To secure the cartridge 48 to the handle 18, the cartridge 48 is pivoted inwardly against the planar face of the cutout of the handle 18. The cartridge 48 is retained in position when the projecting snaps 90 of the handle 18 snap into the recesses on the inner surface of the cartridge 48. Because Oneda et al. already discloses a mechanism for attaching the cartridge 48

to the handle 18, one skilled in the art would not have needed to look in the speculum art to find a strap and buckle mechanism.

Further Oneda et al. teaches away from the proposed modification. In Oneda et al., it is important for the cartridge 48 to be securely retained in position in the handle 18 because projecting air, biopsy, and water tubes in the handle 18 need to communicate with corresponding ports in the cartridge 48. The disclosed snaps achieve this purpose while a strap and buckle, with its inherent sway and give in various direction, may not. If the strap and buckle moves during use, the air, biopsy, and water tubes may move out of alignment with the corresponding ports in the cartridge 48. Accordingly, Applicant respectfully submits that one skilled would not have been motivated to replace a mechanism that provides the desired degree of secured retention with an alternate mechanism that may not.

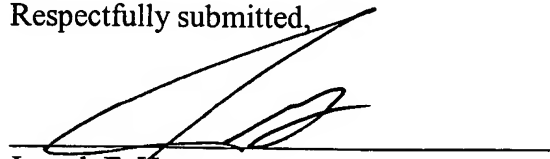
#### **IV. Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration and withdrawn of the claim rejection and that this application be passed to allowance. If there are any questions concerning this Response, please contact the undersigned attorney at (312) 321-4719.

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Respectfully submitted,

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